

the use of Pyro-Kil it is important to have the teeth cleaned and scaled by a dentist so as to remove all tartar or other deposits from the teeth that cause irritation and damage to the gum tissue, and which may be the principle cause for Pyorrhea, sore, bleeding gums, ulcers, etc. * * * Pyro-Kil * * * Formerly called Moore's Pyra-Rid."

On September 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23251. Adulteration and misbranding of whisky. U. S. v. 16 Cases and 15 Cases of Whisky. Decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 32775, 32789. Sample nos. 62049-A, 62050-A.)

These cases involved a product labeled "Whiskey", which failed to conform to the requirements of the United States Pharmacopoeia. The packages failed to bear on their labels a statement of the percentage by volume of alcohol contained in the article. The label of one lot contained unwarranted claims regarding its medicinal properties.

On May 28 and May 29, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 31 cases of whisky at New Orleans, La., alleging that the article had been shipped in interstate commerce, in various shipments between the dates of January 16 and March 7, 1934, by the Frankfort Distilleries, Inc., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Mattingly & Moore Whiskey A Blend * * * Frankfort Distilleries, Incorporated, Louisville, Kentucky, Baltimore, Maryland." The remainder was labeled, "Four Roses Whiskey A Blend."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged with respect to the Four Roses brand for the reason that the statements on the bottle and carton, "An Alcoholic Stimulant", and (carton only) "Notice To Apply the Prescription Sticker Pull This Flap Open", were false and misleading, since they created the impression that the product was medicinal whisky; whereas it was not.

Misbranding of the Mattingly and Moore brand was alleged for the reason that the statements, (bottle) "For Medicinal Purposes" and (carton) "Rx.", were false and misleading; and for the further reason that the following statements on the carton and bottle labels, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Medicinal properties of Whiskey. An Easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods. Beneficial to weakly persons. More especially in the extremes of life. Sudorific power resulting from its relaxation of peripheral circulation has given spiritus frumenti high favor among the profession in both the prevention and treatment of minor infections resulting from exposure such as coryza, rhinitis, bronchitis, influenza and other nasal, laryngeal, bronchial and lobar affections." Misbranding of both brands was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On November 22, 1934, H. Grabenheimer & Sons, Inc., New Orleans, La., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

23252. Misbranding of Sirop D'Anis Gauvin Compound. U. S. v. 90 Bottles of Sirop D'Anis Gauvin Compound. Default decree of condemnation and destruction. (F. & D. no. 32799. Sample no. 71636-A.)

This case involved a drug preparation labeled to convey the impression that its chief physiological effects were derived from oil of anise, but which depended chiefly for its effects on the morphine content. The labels were further objectionable in that they contained unwarranted curative and therapeutic

claims; the designs and directions indicated that it could be safely used for babies, whereas its morphine content rendered it unsafe for such use; the declarations of alcohol and morphine were inconspicuous, and in the case of the morphine was incorrect.

On June 4, 1934, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 bottles of Sirop D'Anis Gauvin Compound at Dover, N. H., alleging that the article had been shipped in interstate commerce, on or about July 11, 1933, by J. A. E. Gauvin, from Lowell, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of morphine acetate (0.216 grain per fluid ounce), alcohol, sugar, and water flavored with anise oil (less than 0.1 percent).

The libel charged that the article was misbranded in that the following statements in the labeling were false and misleading, (Bottle and wrapper) "Sirop D'Anis Gauvin Compound" and "Sirop D'Anis Gauvin Compose"; (circular) "Sirop d'Anis Gauvin Compound", "Gauvin's Aniseed Syrup"; (wholesale carton) "Sirop D'Anis Gauvin Compound"; in that the background design of babies' heads, appearing on the wrapper label, was false and misleading, since it created the impression that the product could be safely used for babies, whereas it could not; in that the wrapper label failed to bear a statement of the quantity or proportion of alcohol and morphine contained in the article, since the declaration made was inconspicuous and, with respect to morphine, was incorrect, $\frac{1}{4}$ grain of morphine acetate being declared, whereas the product contained 0.216 grain; and in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Bottle, wrapper, and circular) "Sirop D'Anis Gauvin Compound * * * Recommended by the Maker and many who have used it as giving relief in cases of restlessness by alleviating the accompanying pains. It thus induces a soothing effect and restfulness"; (bottle and circular) "Directions To an infant under one month old, 10 to 15 drops; every month more, 5 to 8 drops more. One year old, 1 to 2 teaspoonfuls."

On September 21, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23253. Adulteration and misbranding of Moone's Emerald Oil. U. S. v. 164 Bottles, et al., of Moone's Emerald Oil. Default decrees of condemnation and destruction. (F. & D. nos. 32812, 32813, 32858, 33259. Sample nos. 68120-A to 68123-A, incl., 6435-B, 6436-B.)

These cases involved shipments of a drug preparation, the labels of which contained unwarranted curative and therapeutic claims. Tests of the article showed that it did not possess the germicidal properties claimed.

On June 5, June 13, and August 17, 1934, the United States attorneys for the Western District of Pennsylvania and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 515 bottles of Moone's Emerald Oil, in part at Pittsburgh, Pa., and in part at Scranton, Pa., alleging that the article had been shipped in interstate commerce between the dates of October 19, 1933, and July 18, 1934, by the International Laboratories, Inc., from Rochester, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

A sample of the product analyzed by this Department was found to consist essentially of volatile oils, including camphor oil and small proportions of methyl salicylate and phenol, colored green. Bacteriological examination showed that it was incapable of killing a culture of *Staphylococcus aureus* within an hour at body temperature.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Germicide."

Misbranding was alleged for the reason that the statement "Germicide", borne on the label, was false and misleading. Misbranding was alleged for the further reason that the labeling contained false and fraudulent representations regarding its effectiveness to promote healthful healing, as a surgical assistant in the more serious conditions, as a relief from discomfort, as a comforting analgesic in stubborn irritated conditions attended by profuse suppuration, as a treatment for objectionable discharge and other objectionable